UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-00341-KDB

| PETER D. HUFF, | |) | |
|----------------|------------|--------|--------------|
| | Plaintiff, |) | |
| | |) | OPPER |
| vs. | |) | <u>ORDER</u> |
| ALISHA HICKS, | |) | |
| | Defendant. |)) | |

THIS MATTER is before the Court on its review of the docket in this matter.

Plaintiff Peter D. Huff ("Plaintiff") filed this lawsuit on November 17, 2023. [Doc. 1]. On January 29, 2024, Plaintiff's Amended Complaint survived initial review in accordance with the Court's Order. [Doc. 12]. Defendant Hicks waived service on March 28, 2025. [Doc. 22]. The Court granted Defendant Hicks' motion for an extension of time to answer Plaintiff's Complaint, extending her deadline to July 29, 2024. [5/21/2024 Text Only Order]. On July 16, 2024, the Court granted defense counsel's motion to withdraw as counsel in this case because counsel, despite numerous attempts, was unable to make contact with Defendant Hicks. [Doc. 33].

To date Defendant Hicks has not answered the Complaint or otherwise defended this action, and the Plaintiff has not taken any further action to prosecute this action against Defendant Hicks. The Court, therefore, will order the Plaintiff to take action with respect to Defendant Hicks so that this matter can proceed.

IT IS, THEREFORE, ORDERED that Plaintiff shall take further action to prosecute this case against Defendant Hicks within fourteen (14) days of this Order. Failure to take any such further action shall result in the dismissal of this action without prejudice.

IT IS SO ORDERED.

Signed: August 16, 2024

Kenneth D. Bell

United States District Judge